

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD LEE MAINS,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

18-cv-881-bbc

Plaintiff Donald Lee Mains filed this law suit against the Social Security Administration and its employees, contending that he has not received benefits from the United States to which he is entitled. (At the outset, I have corrected the caption of the case to reflect that Nancy A. Berryhill, Acting Commissioner of Social Security, is the proper defendant.) It is not clear from plaintiff's filings exactly what his claim is and what he wants the court to do for him. Defendants have asked the court for a "more definite statement," that is, for plaintiff to explain his claims more clearly. Dkt. #7. That motion will be granted and plaintiff will be given an opportunity to explain his claim.

In explaining his claim, plaintiff should answer the following questions:

1. Does plaintiff believe that his *monthly social security earnings* are lower than they should be?

2. What gross receipts, total expenses and net profits from self-employment did plaintiff report to the Internal Revenue Service each tax year from 2001 to 2008?

3. Does plaintiff believe that the Social Security Administration is wrong when it says that he had

- a. \$14,665 in net earnings from self-employment for 2005;
- b. \$823 in net earnings from self-employment for 2008; and
- c. No net earnings from self-employment for 2001-2004 or for 2006-2007?

4. If plaintiff does think the Social Security Administration is wrong, what amount does he think should be shown on his earnings record for each year from 2001-2008?

5. Why does plaintiff think that gross earnings were ever the basis for calculating social security benefits?

Plaintiff should understand that he has sued only the Social Security Administration. This means that the court will not consider any claim by plaintiff that the Internal Revenue Service should take some action to correct its accounting of plaintiff's earnings. If plaintiff wants to assert such a claim, he will have to file a separate lawsuit against the IRS.

ORDER

IT IS ORDERED that the motion of defendant Nancy A. Berryhill, Acting Commission of Social Security, for a more definite statement of plaintiff Donald Lee Main's claim is GRANTED. Plaintiff may have until April 25, 2019 in which to file a response to

the questions set out in this order. Defendant Nancy A. Berryhill may have until May 16, 2019 in which to respond. Plaintiff may have until May 22, 2019 to file his reply.

Entered this 4th day of April, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge